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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**ANDRE K. WATERS,**

**Petitioner,**

**v.**

**WARDEN TERRY O'BRIEN,**

**Respondent.**

**Case No. 7:08C00555**

## FINAL ORDER

**By: Glen E. Conrad**  
**United States District Judge**

In accordance with the accompanying memorandum opinion, it is hereby

**ORDERED**

as follows:

1. The court hereby **ADOPTS** the recommendation of the magistrate judge's report and recommendation that this petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, be dismissed;
2. The respondent's motion to dismiss is **GRANTED**;
3. The petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, is **DISMISSED**, and this action is stricken from the active docket of the court.

ENTER: This 9<sup>th</sup> day of July, 2009.

Josh Conrad  
United States District Judge